

**A-6579**  
**Variance Request**

Install an external air conditioner, which would encroach a maximum of five feet, one inch (5'-1") into the seven (7) foot (west) side yard setback.

Mr. Adam Horvath &  
Ms. Christina Pearson  
5502 Center Street

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CHEVY CHASE VILLAGE  
BOARD OF MANAGERS  
JULY 14, 2014 MEETING

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STAFF INFORMATION REPORT

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TO: BOARD OF MANAGERS

FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR

DATE: 7/10/2014

SUBJECT: HEARING OF CASE NO. A-6579 VARIANCE REQUEST  
MR. ADAM HORVATH & MS. CHRISTIAN PEARSON, 5502 CENTER STREET  
INSTALL AN EXTERNAL AIR CONDITIONER WHICH WOULD ENCROACH A MAXIMUM OF FIVE FEET,  
ONE INCH (5'-1") INTO THE SEVEN (7) FOOT (WEST) SIDE YARD SETBACK.

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**Case Synopsis:** The residents are renovating the interior of the Property, including finishing the attic and adding dormers. There had been one air conditioner that served the entire house (basement, first and second floor). The mechanical system has been split into two zones- one unit (the replacement unit installed with permit AA-6578) will serve the basement and first floor. The new unit (this application) will serve the second floor and attic. The new unit will be placed alongside the replacement unit, and will encroach no farther into the side yard setback, The additional footprint of the second unit constitutes an expansion of the encroachment; hence a variance is required. The neighbor abutting the yard where the units are proposed to be located has provided a letter in support of the request.

**NOTICE REQUIREMENTS:** Abutting Owners; Public Notice

**APPLICABLE CHEVY CHASE BUILDING REGULATION:**

**The Chevy Chase Village Code Sec. 8-22 (b)(1) states:**

No person may:

Install an external air conditioner or heat pump within seven (7) feet of any side lot line or rear lot line nor in the front yard of any property.

**APPLICABLE COVENANTS STATE IN PERTINENT PART:**

"No part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of premises hereby conveyed nor within (10) ten feet of the nearest adjacent house."

**FACTUAL AND BACKGROUND INFORMATION:**

The property is on the northwest side of Center Street.

The proposed work is part of an interior renovation at the property. There was no change in footprint and no additional Chevy Chase Village permits were required for any other aspects of the ongoing work. A Chevy Chase Village Courtesy permit was issued for this interior work.

There had previously been one air conditioner, serving the entire house. The unit was located one foot, eleven inches (1'-11") from the west (side) property line.

As part of the renovation, the mechanical system was split into two zones, requiring two air conditioners. The existing unit, replaced pursuant to an administrative variance, will service the first floor and basement. The second, new, unit (this application) will be placed alongside the replacement unit and will serve the second floor and attic.

Prior to the recent revisions to the Building Code, a special permit was required to install or replace an air conditioner within seven (7) feet of the side or rear lot lines. (Replacement of an existing air conditioner that was located within the seven (7) foot setback (a developmental nonconformity) required a variance from the Board of Managers.) In 2011 the administrative variance process was created to allow "replacement of an external air conditioner, generator or heat pump (collectively referred to as 'equipment') provided that the equipment is not materially larger and does not encroach farther into any setback than the existing equipment." The recently approved (April 2014) amendments to the Building Code requires a seven (7) foot minimum setback for installation of new equipment, and five (5) feet for installation of replacement equipment.



Figure 1: View 5502 Center Street looking north. The proposed air conditioner would be located in the west (left) side yard, behind the fence.

The Applicants have obtained the applicable Montgomery County Department of Permitting Services (DPS) mechanical permit for installation of the replacement and new equipment.

In some previous cases the Board has found that when there are existing encroachments into covenant setbacks, the covenant can be considered to be materially unenforceable at the Property.

To date there has been one letter received from the abutting neighbors to the west side yard, Mrs. George Ferris, Jr. of 5603 Kirkside Drive, in support of the request. No letters have been received in opposition to the request.

Applicable Fees: Building Permit Application: \$50; Variance Application Fee: \$300.

## RELEVANT PRECEDENTS

There have been many cases of requests for installation of air conditioners that would encroach into side and even front yard setbacks. This case is more unusual because the proposed location of the equipment encroaches into a five (5) foot covenant setback. The most similar cases, therefore, would be: in 2012, Mr. and Mrs. Stefan Demmerle of 5501 Kirkside Drive were **granted** permission to **maintain** an air conditioner that had been installed in the front (Western Avenue) yard forward of the twenty-five (25) foot building and covenant setback line. The Board found that because a front door canopy projected farther forward of the setback line, the covenant restriction was not materially enforceable at the Property. Similarly, in 2002, Mr. and Mrs. Charles Graf of 20 Oxford Street were **granted** permission to **install** an air conditioner in the front (Brookville Rd.) yard forward of the twenty-five (25) foot building and covenant setback line. The Board found that because the house was forward of the front building and covenant setback line the covenant was not materially enforceable at the Property. In 1989, Dr. & Mrs. Robert McCollough of 5903 Connecticut Avenue were granted a special exception to install an air conditioning unit in the front yard five (5) feet from the south lot line and two (2) feet from the front line of the residence.

## FINDINGS REQUIRED:

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in an unwarranted hardship and injustice to the owner.
2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
3. Except for variances from the requirements of Sections 8-21 [fences], 8-26 [driveways] or Chapter 25 [public rights-of-way] of the Village Regulations, the structure authorized by the proposed variance would not violate any covenant applicable to the property.

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## Draft Motion

I move to APPROVE/DENY the variance request in Case A-6579 on the basis that the evidence presented, including the Staff Report, demonstrates that the applicable requirements for approval of the variance HAVE/HAVE NOT been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, APPROVING/DENYING the variance request.





**CHEVY CHASE VILLAGE  
NOTICE OF PUBLIC HEARING**

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Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 14<sup>th</sup> day of July, 2014 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6579  
MS. CHRISTINA H. PEARSON &  
MR. ADAM J. HORVATH  
5502 CENTER STREET  
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance from the Board of Managers pursuant to Section 8-9 of the Chevy Chase Village Building Code to install an external air conditioner, which would encroach a maximum of five feet, one inch (5'-1") into the seven (7) foot (west) side yard setback.

**The Chevy Chase Village Code Sec. 8-22 (b)(1) states:**

No person may:

Install an external air conditioner or heat pump within seven (7) feet of any side lot line or rear lot line nor in the front yard of any property.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at [www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov) or you may contact the office for this information to be mailed to you.


This notice was mailed (and emailed where possible) and to abutting and confronting property owners on the 3<sup>rd</sup> day of July, 2014.

**Chevy Chase Village Office  
5906 Connecticut Avenue  
Chevy Chase, Maryland 20815  
301-654-7300**

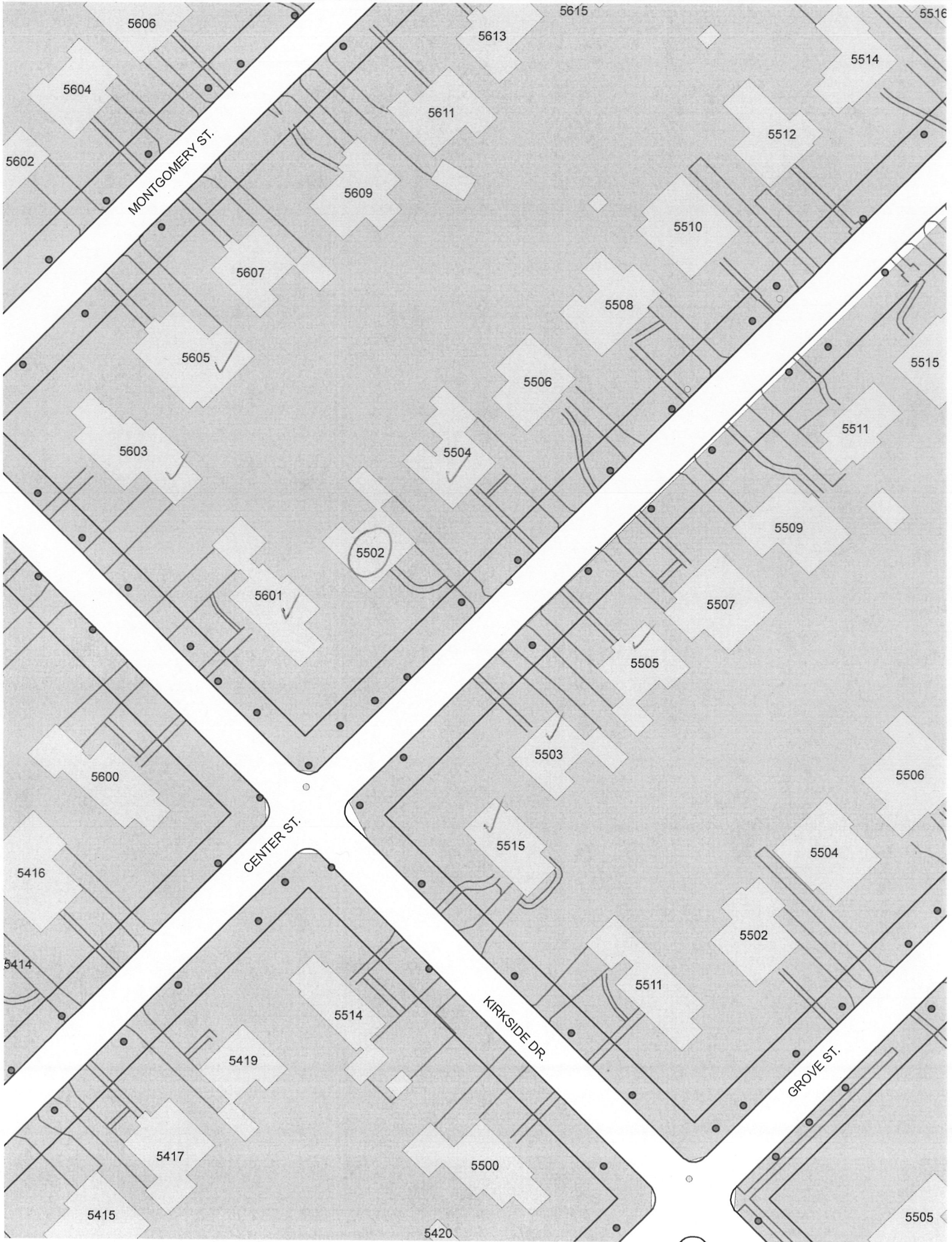
**MAILING LIST FOR APPEAL A- 6579**

**MR. ADAM J. HORVATH & MS. CHRISTINA H. PEARSON**  
**5502 CENTER STREET**  
**CHEVY CHASE, MD 20815**

| <b>Adjoining and confronting property owners</b>   |   |
|--|---|
| Mr. & Mrs. James J. Hentges<br>Or Current Resident<br>5504 Center Street<br>Chevy Chase, MD 20815                | Mr. & Mrs. David S. Lee<br>Or Current Resident<br>5505 Center Street<br>Chevy Chase, MD 20815           |
| Ms. Sunia Zaterman &<br>Mr. Richard Landis<br>Or Current Resident<br>5503 Center Street<br>Chevy Chase, MD 20815 | Mr. & Mrs. Howard T. Anderson<br>Or Current Resident<br>5605 Montgomery Street<br>Chevy Chase, MD 20815 |
| Mr. & Mrs. Mark A. Dettelbach<br>Or Current Resident<br>5603 Kirkside Drive<br>Chevy Chase, MD 20815             | Mr. & Mrs. George M. Ferris, Jr.<br>Or Current Resident<br>5601 Kirkside Drive<br>Chevy Chase, MD 20815 |
| Ms. Julie Herowitz &<br>Mr. Ian Wallace<br>Or Current Resident<br>5515 Kirkside Drive<br>Chevy Chase, MD 20815   |   |

  
I hereby certify that a public notice was mailed (and emailed where possible) to the  
aforementioned property owners on the 3<sup>rd</sup> day of July, 2014.

**Ellen Sands**  
**Permitting and Code Enforcement Coordinator**  
**Chevy Chase Village**  
**5906 Connecticut Avenue**  
**Chevy Chase, MD 20815**



5606

5604

5602

MONTGOMERY ST.

5611

5613

5615

5516

5514

5512

5510

5508

5506

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5502

5601

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5603

5607

5609

5515

5511

5509

5507

5505

5503

5515

5506

5504

5502

5511

KIRKSIDE DR.

5514

5419

5417

5415

5500

5420

GROVE ST.

5505





July 3, 2014

Ms. Christina Pearson &  
Mr. Adam Horvath  
5502 Center Street  
Chevy Chase, MD 20815

Dear Ms. Pearson & Mr. Horvath:

Please note that your request for a variance to install an air conditioner which would encroach into the seven (7) foot west side yard setback at your property is scheduled before the Board of Managers on Monday, July 14, 2014 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,

Ellen Sands  
Permitting and Code Enforcement  
Chevy Chase Village

Enclosures

**Chevy Chase Village**  
**Building Permit Application for Air Conditioning Units,  
Heat Pumps, Generators and Geothermal Wells**

*These mechanical units are regulated by Chevy Chase Village Code Section 8-23(c).*

Permit No:

**Property Address:**

5502 Center St. Chevy Chase MD.

**Resident Name:** Adam & Christina Horvath.

Daytime telephone: 202 669-7744

Cell phone: 202 263-5911

After-hours telephone:

E-mail: Ahorvath@acumen-solutions.com

**Primary Contact for Project:**

☐ Resident

☐ Architect

☒ Project Manager

☐ Contractor\*

\*MHIC/MD Contractor's License No. (required):

**Primary Contact Information:**

Name: Gary Ed Scopin

Daytime telephone: 540 809 9040 After-hours telephone: 540 809-9040

E-mail: ESCOPIN@CARNEWARE.COM

**Check all that apply:**

☒ Air Conditioning Unit [ 1 # unit(s)]

☒ Heat Pump(s) [ 1 # unit(s)]

Is this heat pump a geothermal/geoexchange or ground source heat pump? ☐ Yes ☐ No

If yes, how many wells will be drilled?

☐ Generator(s) [ \_\_\_\_ #unit(s)]

**Check all appropriate boxes:**

Mechanical unit is: ☒ new;

☐ an enlargement of an existing unit; and/or

☐ being relocated.

☒ Mechanical unit is a replacement in-kind and in the same location.

**Description of type and location of mechanical unit(s) to be installed:**

One replacement unit @ existing location of side of house and  
New unit next to it.

*To be completed by Village staff:*

Is this property within the historic district?

Yes ☐

No ☒

Staff Initials: GS

Date application filed with Village: 6/27/14

Date permit issued: \_\_\_\_\_

Expiration date: \_\_\_\_\_

### Excerpt from the Chevy Chase Village Code:

**Sec. 8-4. Residential building permits.** [...] Any person intending to construct any of the following must, after obtaining a valid County building permit, obtain a building permit from the Village: [...] (6) Construction or installation of an external antenna, air conditioner or heat pump, including the replacement of any external air conditioner or heat unit, which is a developmental nonconformity (see sections 8-20 and 8-23);

**Sec. 8-20. Developmental nonconformities.**

(a) [...] An external air conditioner, heat pump or generator which is located so that it is a developmental nonconformity may not be replaced, unless the Board of Managers grants a variance.

**Sec. 8-23. Tennis courts, antennae, air conditioners, heat pumps and generators.**

(c) *Air conditioners, heat pumps and generators.* No person shall install an external air conditioner, heat pump or generator within seven (7) feet of any side lot line or rear lot line nor in the front yard of any property without a special permit from the Board of Managers. All external air conditioners, heat pumps and generators must comply with the noise control provisions and building regulations of the county.

**Cross reference(s)**--Fine for violation of this section, ' 6-3(a)(12).

### Building Permit Application for Air Conditioning Units, Heat Pumps, Generators and Geothermal Wells: Filing Requirements

*Application will not be reviewed until the application is complete*

- ☐ Copy of stamped approved plans & permits from Montgomery County.
- ☐ This application form, signed by resident.
- ☐ Boundary Survey
- ☐ Site Plan (see: Village Site Plan Checklist to ensure completeness) showing exact location of units
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☐ Filing Fee (due at time of application). Fee schedule is listed in Chapter 6 of the Village Code.
- ☐ Damage deposit or performance bond (due when permit is issued). Amount will be set by Village Manager.

*Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.*

*If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.*

*No signs advertising any service provider may be posted on the work site.*

**I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.**

 **Applicant's Signature:** \_\_\_\_\_

**Date:** 6/27/14

|   |  |
|---|--|
| For Use By Village Manager                                  | Application approved with the following conditions:                            |
|   |  |
|   |  |
|   |  |
|   |  |
| <b>DENIED</b><br>JUN 27 2014<br>Chevy Chase Village Manager | Application denied for the following reasons:                                  |
|   | <i>Denial Reason: The proposed unit encroaches into the side yard setback.</i> |
|   |  |
|   |  |
|   |  |

|  |  |
|--|--|
| <b>Filing Fees</b><br>(due when application submitted)   | <b>Checks Payable to:</b><br>Chevy Chase Village<br>5906 Connecticut Ave.<br>Chevy Chase, MD 20815 |
| Permit Application Fee:<br><input checked="" type="checkbox"/> \$50.00 (if mechanical unit is new, enlarged or relocated)<br><input type="checkbox"/> \$25.00 (if mechanical unit is a replacement in-kind and in the same location) |  |
| Tree Preservation Plan Fee:<br><input type="checkbox"/> \$250.00<br><input checked="" type="checkbox"/> Not required for this project  |  |
| TOTAL Fees:<br><i>\$50.00</i>  | Date: <i>6/27/14</i><br>Staff Signature: <i>[Signature]</i>  |
| <b>Damage Deposit/Performance Bond</b><br><input type="checkbox"/> \$ _____<br><input type="checkbox"/> Waived by Village Manager  | Date:<br>Village Manager Signature:  |

|   |
|---|
| For Village Staff use:<br>Field file for inspections by Code Enforcement Officer has been created: <input type="checkbox"/> Yes (Date: _____) |
|---|



# Chevy Chase Village

## Application for a Variance

A variance is permission granted to a landowner to depart from the specific requirements of the Village zoning ordinance and allows a landowner to use land differently than specified in the ordinance. The variance is a written authorization from the Board of Managers permitting construction in a manner not otherwise allowed by the Village Code.

|   |                            |
|---|----------------------------|
| <b>Subject Property:</b> 5502 Center St Chevy Chase MD  |                            |
| <b>Describe the Proposed Project:</b> Install new outdoor unit next to existing unit location on left side of the house. Variance for unit encroaching on required setback. |                            |
| <b>Applicant Name(s) (List all property owners):</b> Adam & Christina Horvath.  |                            |
| <b>Daytime telephone:</b> 202 669-7744  | <b>Cell:</b> 202 263-5911  |
| <b>E-mail:</b> AHorvath@acumen-solutions.com  |                            |
| <b>Address (if different from property address):</b>  |                            |
| <i>For Village staff use:</i>   |                            |
| <b>Date this form received:</b> 6/27/14   | <b>Variance No:</b> A-6579 |

### Filing Requirements:

**Application will not be accepted or reviewed until the application is complete**

- ☐ Completed Chevy Chase Village Application for a Variance (this form)
- ☐ Completed Chevy Chase Village Building Permit Application
- ☐ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☐ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☐ Copy of Covenants applicable to the property except for variances from Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☐ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

### Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: CH Pearson

Applicant's Signature: \_\_\_\_\_

Date: 6/27/14

Date: \_\_\_\_\_

**Describe the basis for the variance request (attach additional pages as needed).**

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

See Attached

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

See Attached

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

Installation would be in same location as previous unit, in which no complaints have ever been made.

*In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.*

|  |   |
|--|---|
| <b>Variance Filing Fee</b><br><i>Per Village Code Sec. 6-2(a)(24):</i><br><input checked="" type="checkbox"/> \$300.00 for new construction.<br><input type="checkbox"/> \$150.00 for replacing existing non-conformities.<br><input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way.<br><input type="checkbox"/> Other: \$ _____<br><b>Fee Paid:</b> \$300.00 | <b>Checks Payable To:</b> Chevy Chase Village<br>5906 Connecticut Ave.<br>Chevy Chase, MD 20815<br><br><b>Date Paid:</b><br><br><b>Staff Signature:</b>                   |
|  | <b>Approved to Issue Building Permit per Board Decision Signed by the Board Secretary on:</b><br><br><b>Date:</b> _____<br><br><b>Signature:</b> _____<br>Village Manager |

### Special conditions for variance

The only feasible location for the unit is on the left side of the house next to the existing unit. Because of the pool in the rear yard there is not the space to install the unit. The little space at the back left of the yard is the only green space next to the house, everything else is walkways to the rear of the house, driveway and pool. That is the space for the kids to play outside of the pool and would not be safe to have the unit there. The left side of the house also has a larger than normal distance to the neighbor from other houses in the neighborhood. Installation of the new unit on the left side of our house will cause no more noise than the existing unit does and will actually be quieter with the new equipment.

### Hardship

We would like to install new HVAC outdoor unit at front left side of the house, located next to the original spot of the existing unit. The only other spot for the unit is in the backyard by the pool. It is both a safety issue to have in the rear of the house by the pool as there are young children that play there as well as it is would take up the only green space next to the house. The unit also will look out of place and ruin the backyard aesthetic. The proposed location is hidden behind a fence and is also less visible from the neighbors. It would be tucked away behind a fence so it would not be visible to the neighbors on the side or behind the house. If the unit was installed in the rear yard it would be visible from the rear and side neighbor. With the new unit the decibel levels are less than the original unit that was there. The original unit has never had any noise complaints from the neighbors and there is a large space between our neighbor to the left.



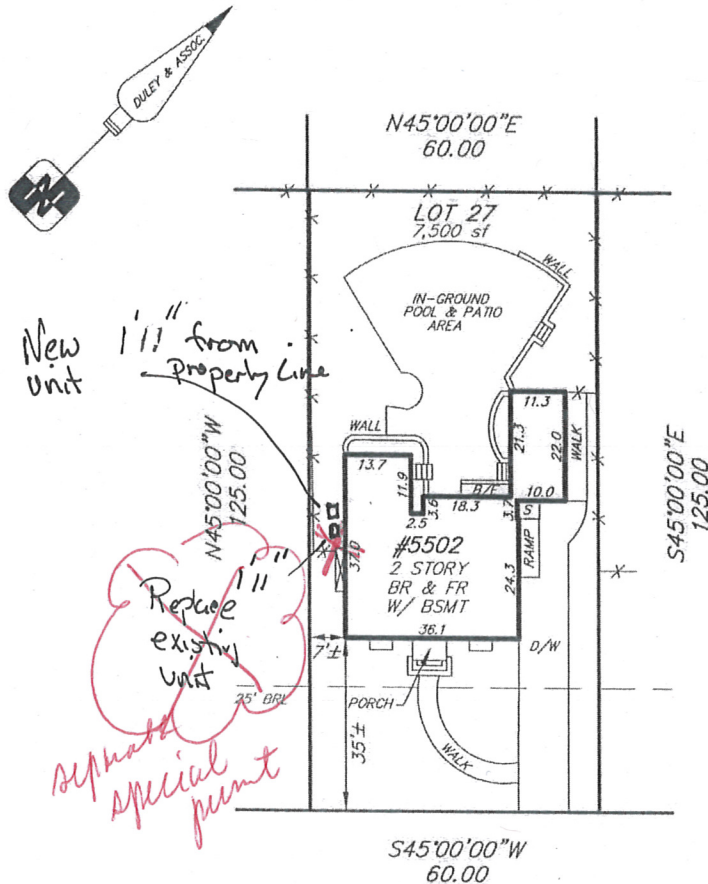
THIS DOCUMENT CERTIFIED TO:

**HERITAGE  
TITLE**  
& ESCROW CO

CASE #: J12167



**HERITAGE  
TITLE**  
& ESCROW CO



**CENTER STREET**

LOCATION DRAWING OF:

**#5502 CENTER STREET**

**LOT 27 BLOCK 9**

**SECTION 1-A**

**CHEVY CHASE**

**PLAT NO. 1132**

**MONTGOMERY COUNTY, MARYLAND**

**SCALE: 1"=30' DATE: 5-10-12**

**DRAWN BY: CP FILE #: 121488-077**

**LEGEND:**

-X- FENCE  
B/E BASEMENT ENTRANCE  
B/W BAY WINDOW  
BR BRICK  
BRL BLOC. RESTRICTION LINE  
BSMT BASEMENT  
C/S CONCRETE STOOP  
CONC CONCRETE  
D/W DRIVEWAY  
FR FRAME  
MAC MACHADAM  
O/H OVERHANG  
PUE PUBLIC UTILITY ESMT.

**COLOR KEY:**

(RED) RECORD INFORMATION  
(BLUE) IMPROVEMENTS  
(GREEN) ESMTS & RESTRICTION LINES

A Land Surveying Company

**DULEY  
and  
Associates, Inc.**

Serving D.C. and MD.  
14604 Elm Street, Upper Marlboro, MD 20772

Phone: 301-888-1111

Phone: 1-888-88-DULEY

Fax: 301-888-1114

Fax: 1-888-55-DULEY



**SURVEYOR'S CERTIFICATE**

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 12 CHAPTER 08.1.08 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, OR OTHER IMPROVEMENTS, THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. THE LEVEL OF ACCURACY FOR THIS DRAWING IS 1". NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISREPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED TO DETERMINE THE EXACT LOCATION OF IMPROVEMENTS.

**DULEY & ASSOC.**

WILL GIVE YOU A 100%  
FULL CREDIT TO  
UPGRADE THIS  
SURVEY TO A  
"BOUNDARY/STAKE"  
SURVEY FOR ONE  
YEAR FROM THE DATE  
OF THIS SURVEY.

(EXCLUDING D.C. & BALT. CITY)



June 30<sup>th</sup>, 2014

Mrs. Nancy Ferris  
5601 Kirkside Drive  
Chevy Chase, MD 20815

Ellen Sands  
Permitting and Code Enforcement Coordinator  
Chevy Chase Village  
Tele. 301-654-7300  
FAX 301-907-9721

Dear Ms. Sands,

I am a neighbor to Adam Horvath and Christina Pearson of 5502 Center Street. I wanted to write concerning their desire to replace and upgrade their current heating and cooling unit at 5502 Center Street. Currently, their external HVAC unit sits behind the shared fence to my backyard, out of sight. Adam and Christina have shared their plans with me to replace that aging unit (which has been in place for more than 20 years) with two new units in order to have air conditioning throughout their home.

They have indicated that they wish to put these two units together in the same area as the existing HVAC (one in the original footprint and the other immediately next to it). My understanding is that the new units are significantly quieter and more energy efficient than the existing air conditioner. Furthermore, the current HVAC location is out of view for me, whereas other locations might be visible from my house.

Based on this information, I support their wish to place those units as they have proposed. I am aware that they may need a variance and/or a special permit, but wanted to make sure that the Village was aware of my support for their plans if that will assist my neighbors in seeking approval from Chevy Chase Village.

Respectfully yours,

*Nancy A. Ferris*

Nancy Ferris



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R Schwartz Jones  
Director

MECHANICAL PERMIT

Issue Date: 06/18/2014

Permit No: 677139  
Expires: 06/19/2015  
ID: AC948375

THIS IS TO CERTIFY THAT: ROBINSONS HEATING AND AIR  
671-C SOUTHLAWN LANE  
ROCKVILLE, MD 20850

HAS PERMISSION TO: INSTALL SINGLE FAMILY DWELLING  
Y Residential Building N Commercial Building

| Heating Equipment    |                | Cooling Equipment     |                |              |         | Tanks ( Fuel-oil, LP-gas ) |                | Tanks ( Expansion ) |                |
|----------------------|----------------|-----------------------|----------------|--------------|---------|----------------------------|----------------|---------------------|----------------|
| Total Capacity (MBH) | Total Quantity | Total Capacity (Tons) | Total Quantity | Refrig. Unit | Chiller | Total Capacity (WG)        | Total Quantity | Total Capacity (WG) | Total Quantity |
| 131.0                | 2              | 6.0                   | 20             | N            | N       | .0                         | 0              | .0                  | 0              |
| N Gas                | N Electric     | N Gas                 | N Electric     |              |         | N Commercial Hoods         |                | Pre-Fab Fireplace:  | 0              |
| N Oil                | N Other        | N Oil                 | N Other        |              |         | N Cooling Towers           |                | Pre-Fab Chimney:    | 0              |
|                      |                |                       |                |              |         | Y Ductwork                 |                |                     |                |
|                      |                |                       |                |              |         | N Fuel-oil Pumps           |                |                     |                |
|                      |                |                       |                |              |         | N Hydronic System Pumps    |                |                     |                |
|                      |                |                       |                |              |         | N Piping of Equipment      |                |                     |                |

PREMISE ADDRESS: 5502 CENTER ST  
CHEVY CHASE, MD 20815-3439

PERMIT CONDITIONS: Finishing Basement - Heating/Cooling Equipment & Ductwork

LOT - BLOCK: 27 - 9 ZONE: ELECTION DISTRICT: 07

BOND NO.: BOND TYPE: SUBDIVISION: CHEVY CHASE SEC 1-A PS NUMBER:

PERMIT FEE: \$ 164.85 INSPECTOR: FRANCIS MACKIE INSPECTOR MOBILE: (240)876-7768

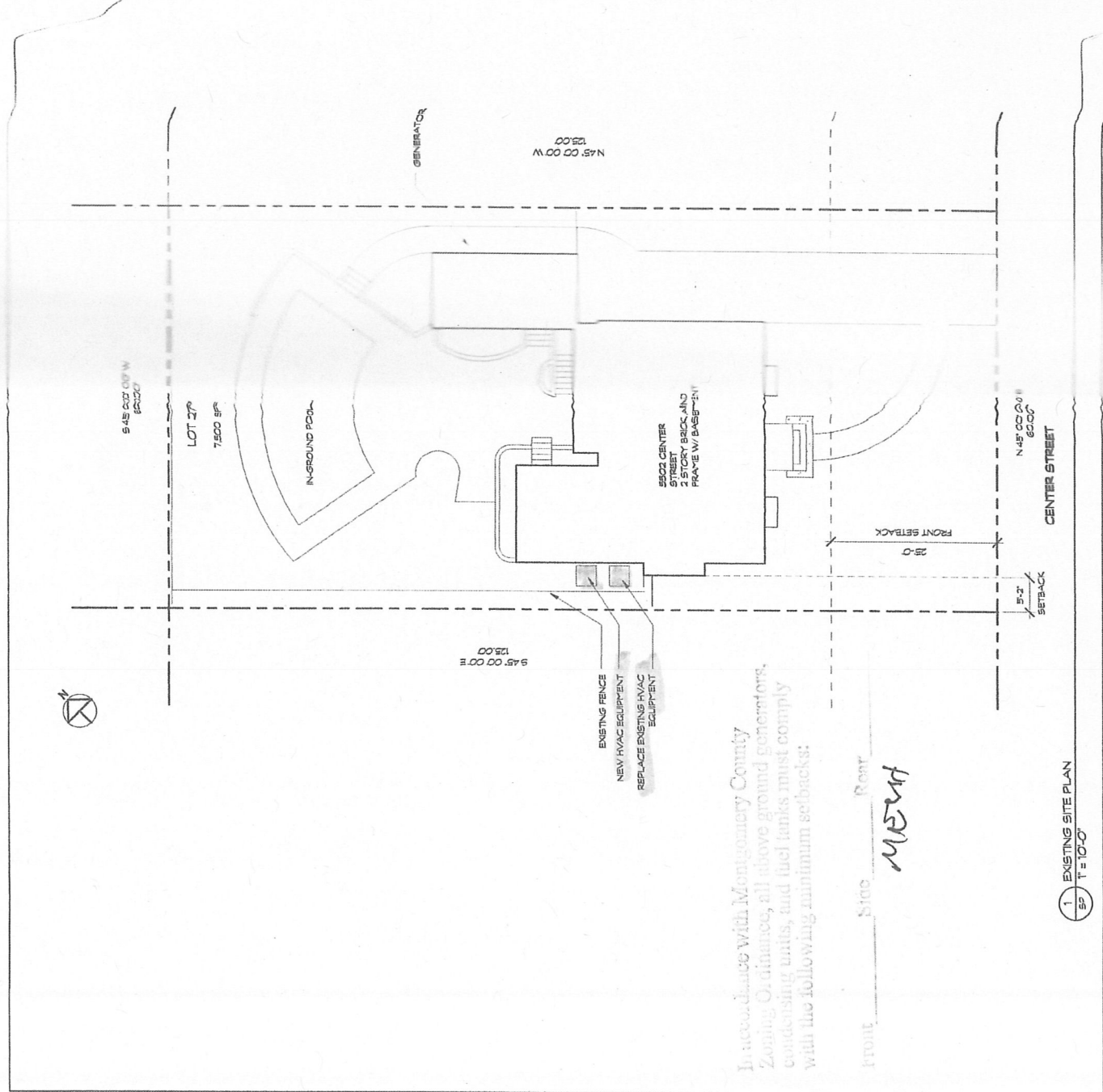
PERMIT MUST BE KEPT AT THE JOB SITE

The equipment noise levels must comply with the receiving property line limits when measured in accordance with Ch. 31-B, MCC. For further information, contact the Department of Environment Protection at 240-777-7770.

The work performed on this permit must be in compliance with Montgomery County Zoning Ordinance development standards of the zone including location, setbacks, and height.

*Diane R. Schwartz Jones*

Director, Department of Permitting Services



In accordance with Montgomery County Zoning Ordinance, all above ground generators, condensing units, and fuel tanks must comply with the following minimum setbacks:

Front \_\_\_\_\_ Side \_\_\_\_\_ Rear \_\_\_\_\_

*MECH*

1 EXISTING SITE PLAN  
50' T=10'-0"



Attest: William S. French, Jr. E-Z Chemical Company  
Secretary E-Z Chemical Company By T. Stanley Holland  
Incorporated Delaware Vice-President.  
1923 (Internal Revenue \$46.75)  
(State Tax \$42.50)

I, Linnaeus T. Savage, a Notary Public in and for the aforesaid District of Columbia, do hereby certify that T. Stanley Holland, who is personally well known to me as the person named as Attorney in fact in the foregoing and annexed Deed, bearing date on the 30th day of October, A. D. 1944, to acknowledge the same, personally appeared before me in said District of Columbia and as Attorney in fact as aforesaid, and by virtue of the authority vested in him by said Deed, acknowledged the same to be the act and deed of E-Z Chemical Company the corporation grantor therein, and delivered the same as such.

|                    |                       |
|--------------------|-----------------------|
| Linnaeus T. Savage | Linnaeus T. Savage    |
| Notary Public      | Notary Public, D. C.  |
| District of        | My commission expires |
| Columbia.          | October 14, 1945.     |

This Deed Made this 27th day of November, in the year One thousand nine hundred and forty-four, by and between The Chevy Chase Land Company, of Montgomery County, Maryland, (a corporation duly organized under and by virtue of the laws of the State of Maryland) party of the first part, and H. Glenn Phelps and Harry K. Boss, as joint tenants parties of the second part:

Witnesseth, That the said party of the first part, for and in consideration of the sum of Twenty-seven Thousand Seven Hundred Twenty (\$27,720.00) Dollars to it paid by the said parties of the second part, and of the covenants and agreements of the said parties of the second part as hereinafter set forth, does hereby grant and convey unto the said parties of the second part, in fee simple, as joint tenants, the following described land and premises, with the improvements, easements, and appurtenances thereunto belonging, situate in the County of Montgomery, State of Maryland, namely:

Lots numbered Twenty-six (26) to Thirty-seven (37) both inclusive, in the resubdivision made by The Chevy Chase Land Company of Montgomery County, Maryland of certain lots in Block numbered Nine (9) "Section One-A, Chevy Chase", as per plat of said resubdivision recorded in Plat Book 18, at folio 1132, one of the Land Records of Montgomery County, Maryland.

Subject to building restriction line as shown on said plat.

It is hereby understood and agreed that no building shall be erected on the land hereby conveyed unless and until the plans of the elevations, the design and color scheme thereof, as well as the location of said building on said land shall be first approved in writing by The Chevy Chase Land Company of Montgomery County, Maryland, or its successors.

It is hereby understood and agreed that no objection will be raised by



the said parties of the second part, their heirs and assigns, to the rezoning of Lots in Blocks 6 and 11 in said subdivision known as "Section One-A, Chevy Chase", Montgomery County, Maryland, for use for commercial purposes.

In evidence of their acceptance of the covenants and restrictions herein contained and of their intention to bind themselves, their heirs and assigns, in carrying out and performing the same, the said parties of the second part have hereunto set their hands and seals.

To Have and to Hold the said land and premises, with the improvements, easements and appurtenances, unto and to the use of the said parties of the second part, as joint tenants,

In Consideration of the execution of this Deed, the said parties of the second part, for themselves, their and each of their heirs and assigns, hereby covenant and agree with the party of the first part, its successors and assigns (such covenants and agreements to run with the land), as follows, viz:

1. That all houses upon the premises hereby conveyed shall be built and used for residence purposes exclusively, except stables, carriage-houses, sheds or other outbuildings, for use in connection with such residences, and that no trade, business, manufacture or sales, or nuisance of any kind shall be carried on or permitted upon said premises.

2. That no structure of any description shall be erected within twenty-five (25) feet of the front line of said premises; and that no stable, carriage-house, shed, or outbuilding shall be erected except on the rear of said premises.

In the case of corner lots any and all lines bordering upon a street, avenue, or parkway shall be considered a front line.

3. That no house shall be erected on said premises at a cost less than Seventy-five Hundred (7500) Dollars.

4. That any house erected on said premises shall be designed for the occupancy of a single family, and no part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of premises hereby conveyed, nor within (10) ten feet of the nearest adjacent house.

5. That a violation of any of the aforesaid covenants and agreements may be enjoined and the same enforced at the suit of The Chevy Chase Land Company, of Montgomery County, Maryland, its successors and assigns (assigns including any person deriving title mediately or immediately from said Company to any lot or square or part of a lot or square in the Section of the Subdivision of which the land hereby conveyed forms a part).

And the said party hereto of the first part hereby covenants to warrant specially the property hereby conveyed, and to execute such further assurances of said land as may be requisite.

In Testimony Whereof, on the day and year first hereinbefore written, the said The Chevy Chase Land Company, of Montgomery County, Maryland, has caused these presents to be signed with its corporate name by Edward L. Hillier, its President, attested by Willard G. McGraw, its Secretary, and its corporate seal to be hereunto affixed, and does hereby constitute and appoint Willard G. McGraw, its true and lawful Attorney in fact, for it and in its name, place and stead to acknowledge these presents as its act and deed before any person or officer duly authorized to take such acknowledgment, and to deliver the same as such.

Attest: Willard G. McGraw  
Secretary

The Chevy Chase  
Land Co. of Mont-  
gomery Co. Maryland

The Chevy Chase Land Company  
of Montgomery County, Maryland.  
President.

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